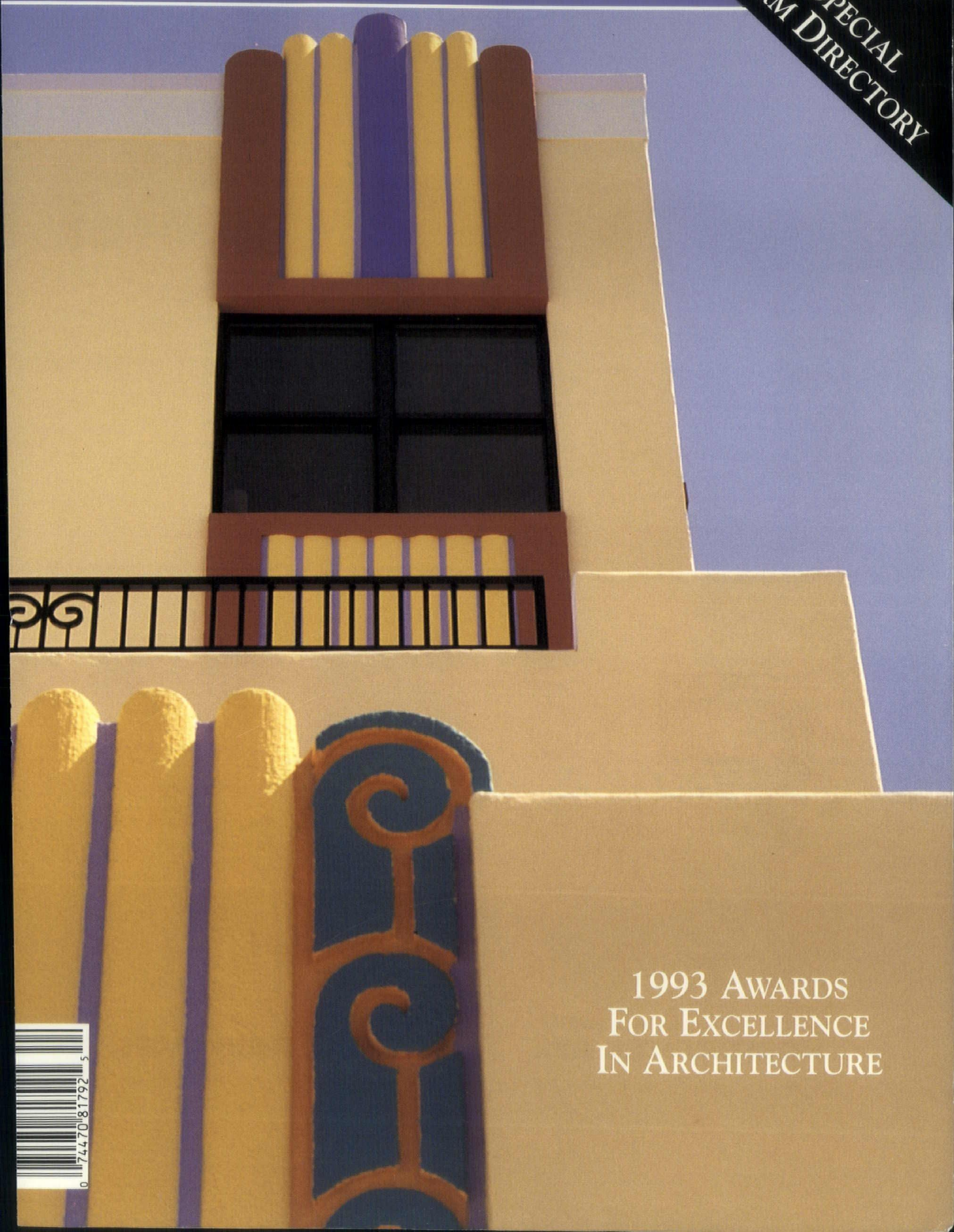
FLORIDA ARCHITECT

Winter, 1993

SPECIAL FIRM DIRECTORY



1993 AWARDS FOR EXCELLENCE IN ARCHITECTURE

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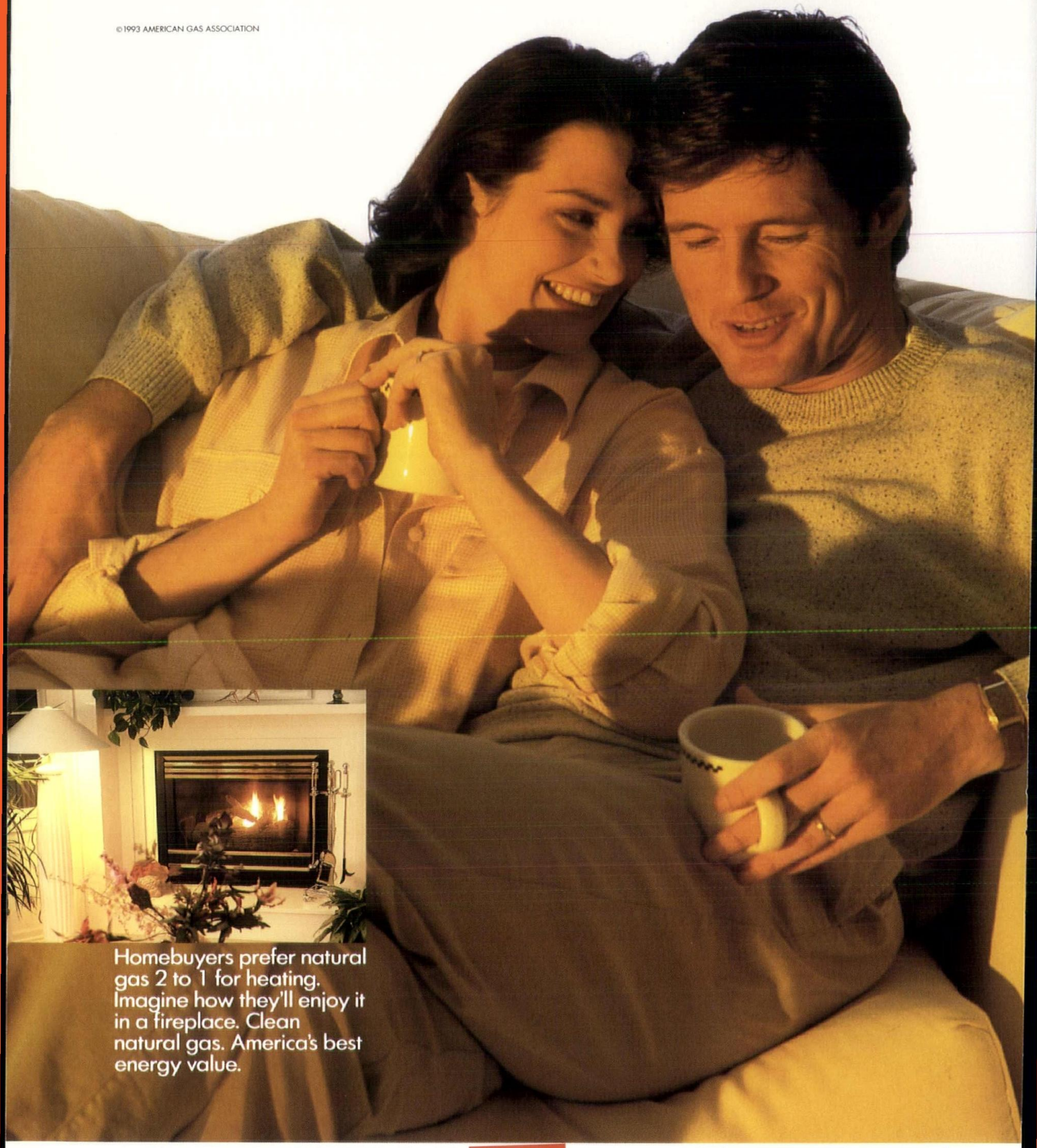

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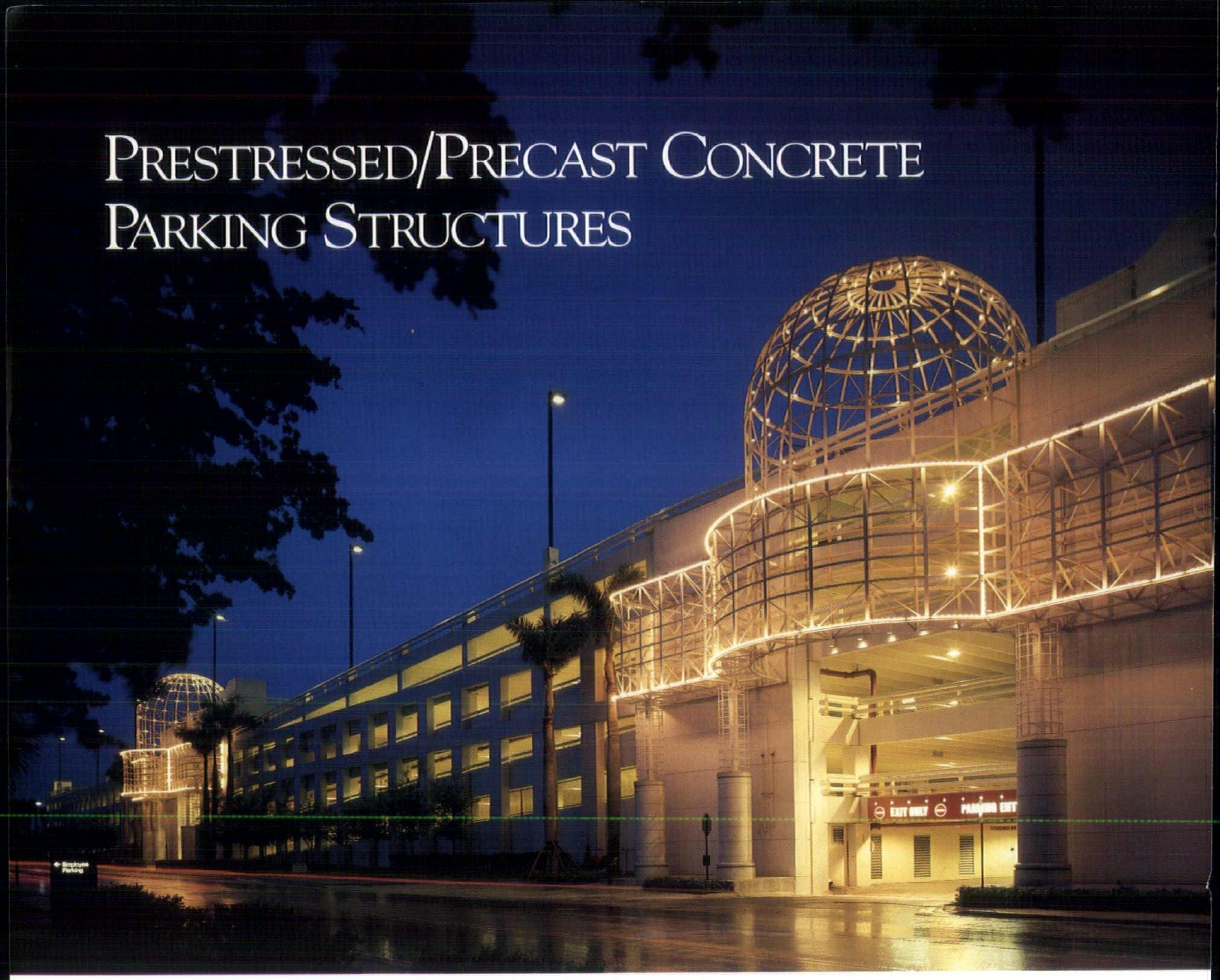

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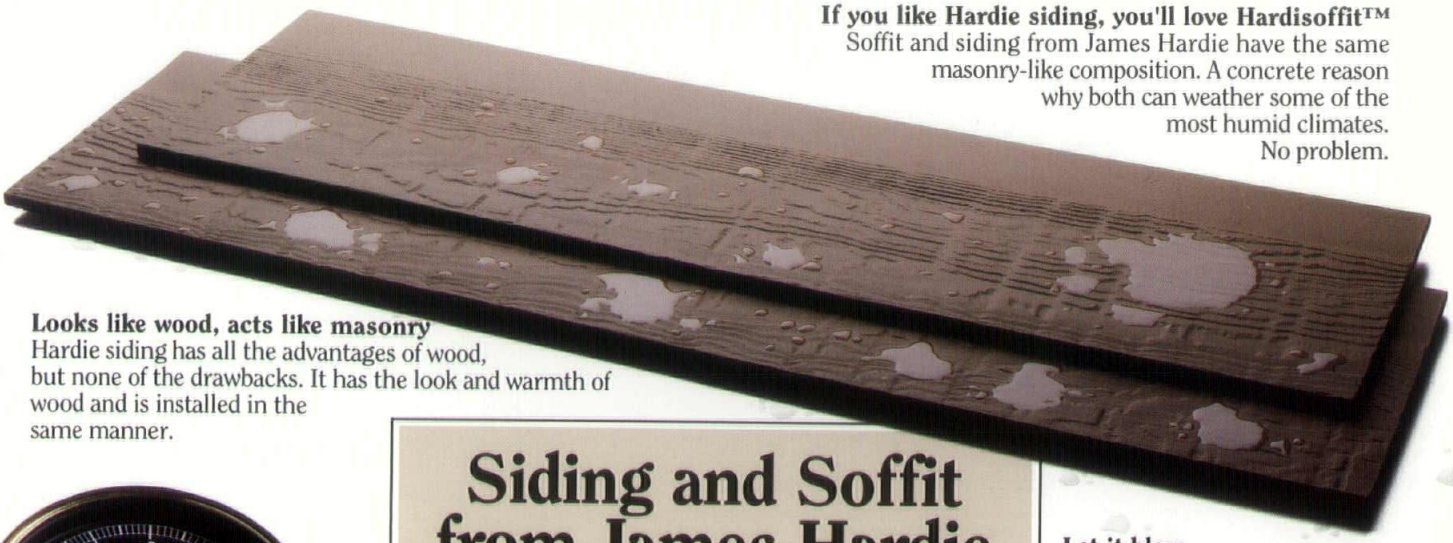

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Now these rugged building materials are available Stateside.

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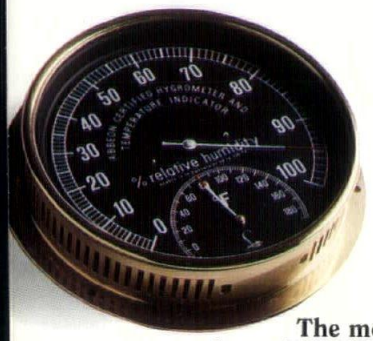

The more humid the better
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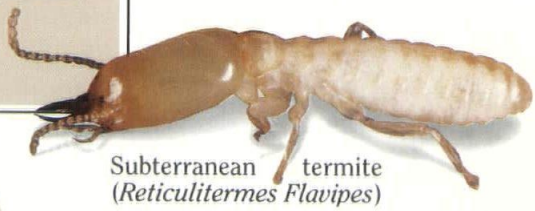

Subterranean termite (*Reticulitermes Flavipes*)

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[1] Refer to NER Report #405.
[2] Hardie siding and Hardisoffit™ show no flame propagation or loss of integrity when tested in accordance with ASTM Test Methods E136 and E84.

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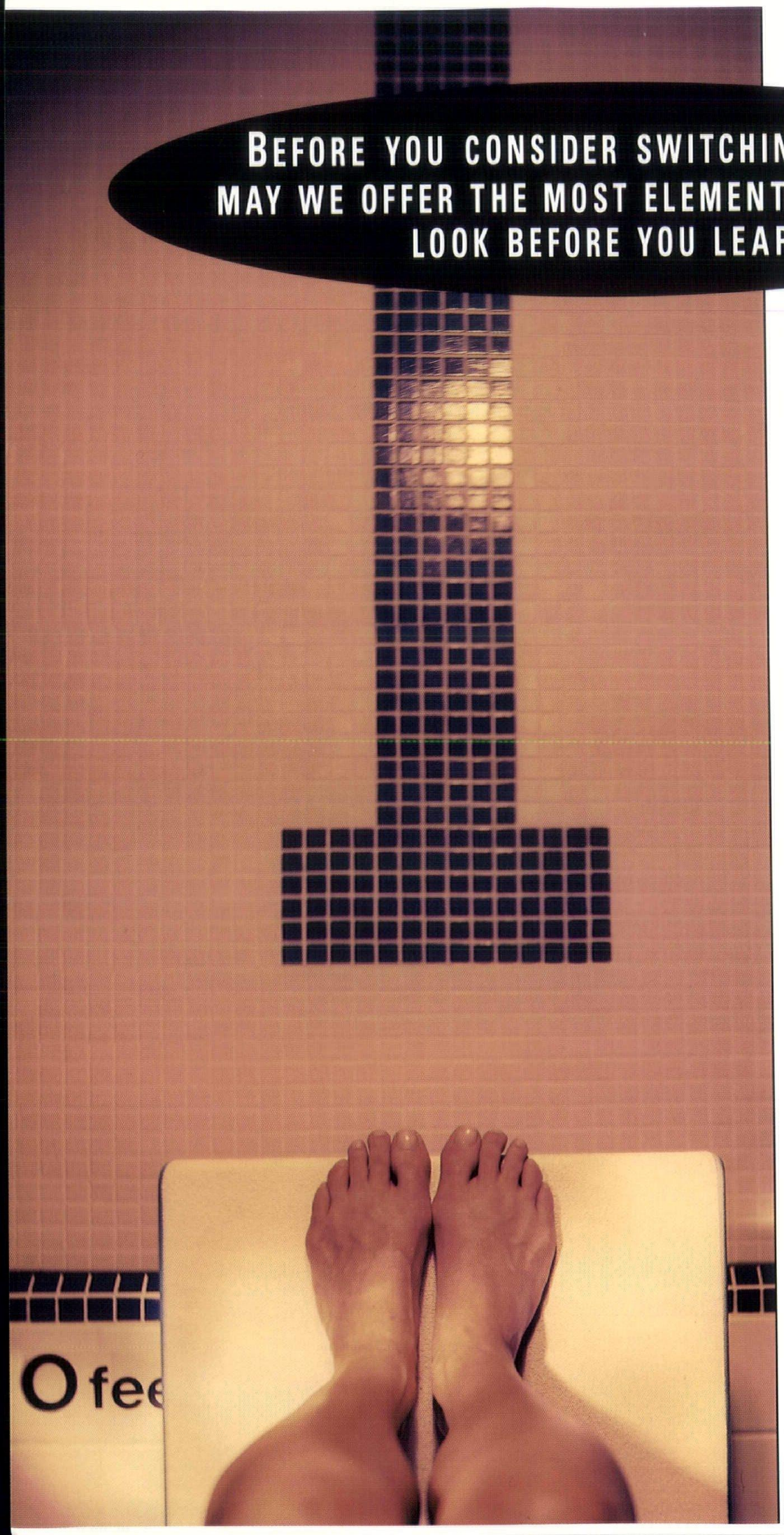

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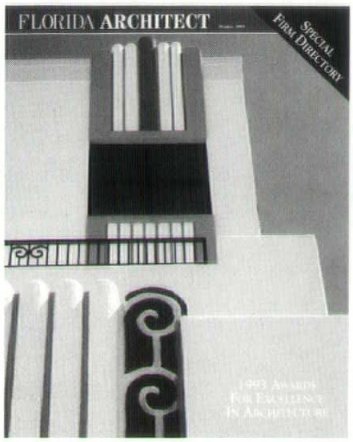

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Cover photo of the Netherlands by Scot DiStefano. Architect: Giller & Giller, Inc.

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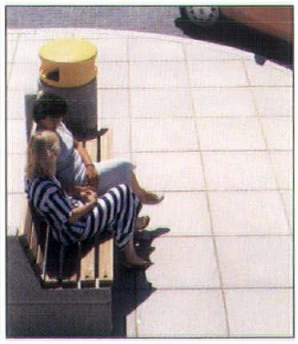

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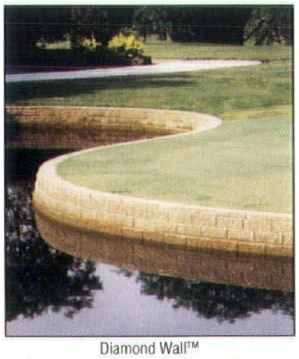

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Florida Association of the American Institute of Architects
104 East Jefferson Street
Post Office Box 10388
Tallahassee, Florida 32302
(904) 222-7590
FAX: (904) 224-8048

Publisher/Executive Vice President
George A. Allen, CAE, Hon. AIA

Editor
Diane D. Greer

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Director of Advertising
Carolyn Maryland

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Peter Mitchell Associates, Inc.

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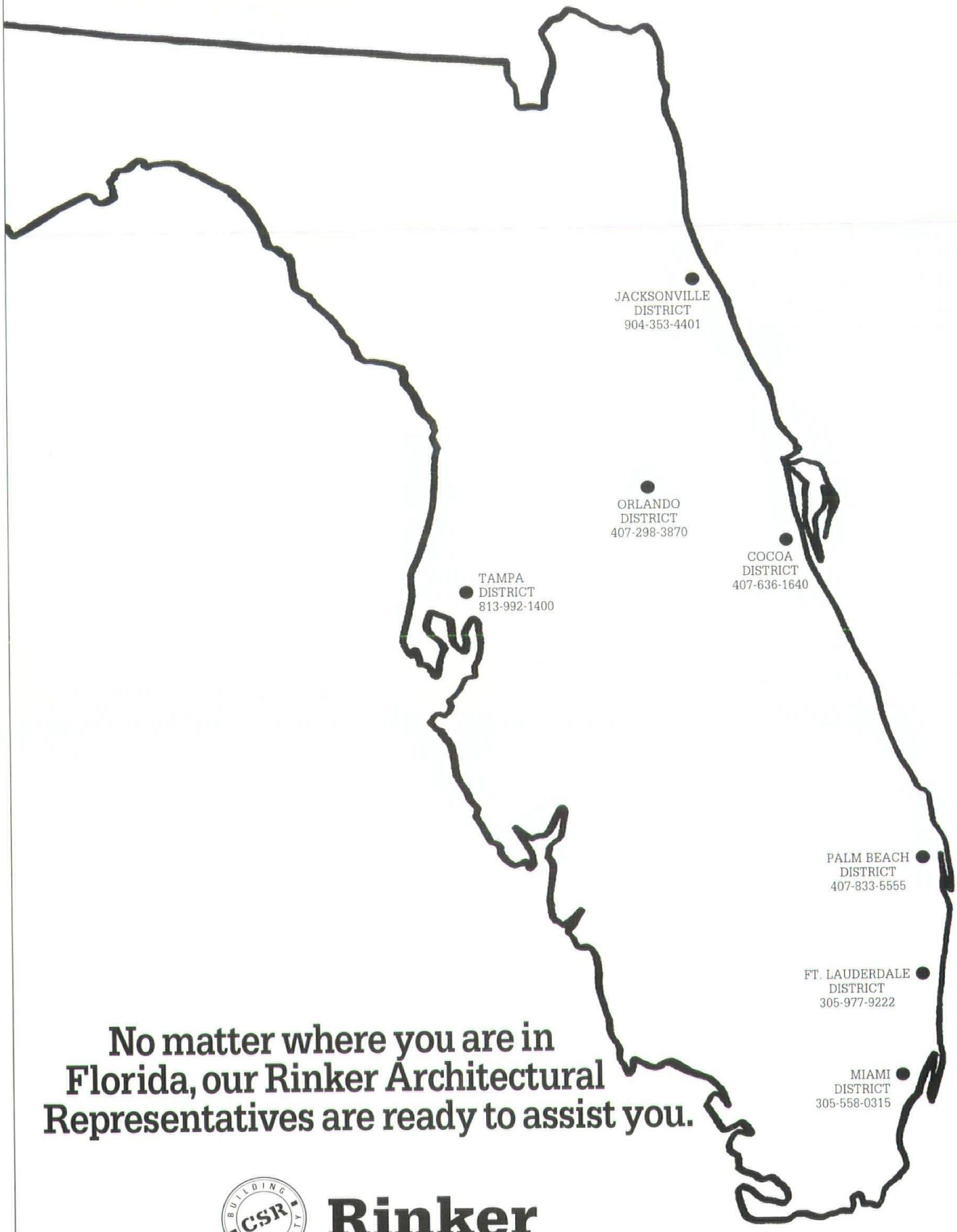
EDITORIAL

When Leon Battista Alberti described "exactly whom I mean by an architect" in 1443, his definition was broad and generous and addressed lofty goals in an age in which beauty and classical ideals were the primary determinant of form. To practice architecture in the 15th century, a man had to devise buildings "fitted out for the noble needs of man", but he also had to have a patron, funding and be politically acceptable to the ruling family, the church and the other humanists of his day. None of the prerequisites for becoming "l'uomo universale" were taught in a school of architecture.

The politics and economics of architectural practice are as complex and confounding today as they were when Alberti wrote that an architect must have "understanding and knowledge of all the highest and most noble disciplines."

The criticism that schools of architecture are not rising to the challenge of the demands being made by a rapidly changing world are at best vague, and at worst, incorrect. Architecture has always been in critical transition. And it has always risen to the challenges heaped upon it. Inherent in the practice of architecture is the realization that it is a profession, perhaps more than any other, that is defined by timeless values, including a quest for beauty, improving the human condition, making cities livable and protecting the environment. Architects have historically had to fight for recognition which is ironic considering the demands that have always been made on the profession. But, each era has produced a body of professionals who have risen to the challenges of the body politic.

It is no less true today than it was when Alberti wrote, "Him I consider the architect, who by sure and wonderful reason and method, knows both how to devise through his own mind and energy, and to realize by construction, whatever can be most beautifully fitted out for the noble needs of man." With that in mind, we can change university curricula to address issues related to practice, technological advances, environmental considerations and codes, but we must never lose site of the timeless goals of one of the most noble of all professions. **DG**



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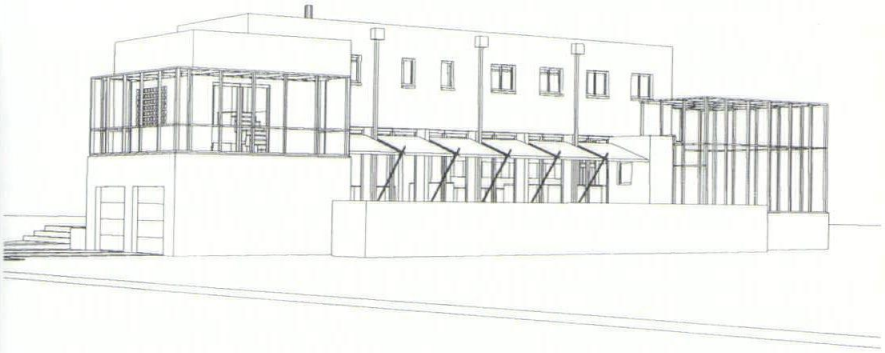
The 1993 FA/AIA Awards programs produced entries from all over the region in a number of categories. Prestigious juries met around the state, as well as in Connecticut, to select those projects, built and unbuilt, and those individuals who best met the criteria for architectural excellence that the awards' program demands.

In the New Haven, Connecticut office of Cesar Pelli, jury members in photo at right included Cesar Pelli, FAIA, on the left, and architectural historian, author and professor Vincent Scully, FAIA (right). Robert Taylor, AIA, Senior Designer in the Pelli firm, who is not pictured, also met to review the 92 projects.

The projects which were selected to receive an Award for Excellence in Architecture ranged from a tiny airfield fire station to the restoration of several historically important properties in South Florida.

In the category of Unbuilt Awards, 43 projects were juried by Frank Folsom Smith, AIA, Andrea Clark-Brown, AIA, and James Moore, AIA. The jury convened in the Sarasota office of Frank Smith and selected three very diverse unbuilt projects for recognition.

From six entries, William Morgan, FAIA, Ted Pappas, FAIA, and Robert C. Broward, AIA, selected one project which best demonstrated the qualities inherent in "timeless" architecture. The architecture firm which was chosen in recognition of its many contributions - both public and professional - was selected by jury members Walter Taylor, AIA, Forrest Kelly, FAIA, and Bill Scaringe, Department of Management Services, State of Florida.



Sarasota Memorial Hospital, Child Care Center II

Architect
Carl Abbott FAIA
Architects/Planners PA
Sarasota, FL

Project Managers
Mark Smith, Cooper Abbott

Consulting Engineer
Rast/Chang, Inc.

Owner
Sarasota Memorial Hospital

V-P Facilities Development
Rick Carlisle

Hospital Auxiliary
Gwynn Mitchell

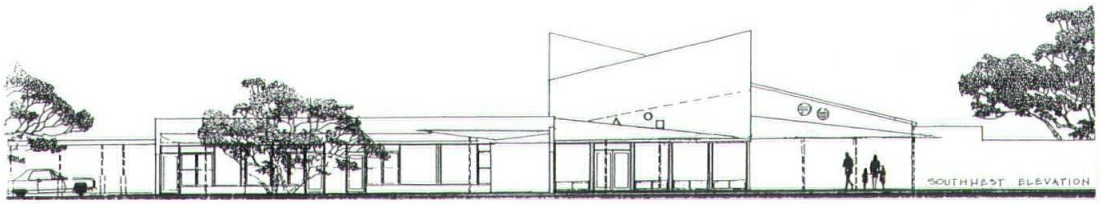
Director Child Care
Martha Voyles

This center creates a supportive, flexible, creative environment for children who are six weeks to five years of age. Designed to serve young children during a uniquely formative period in their cognitive and social development, the center is both fun and fully compliant with HRS criteria.

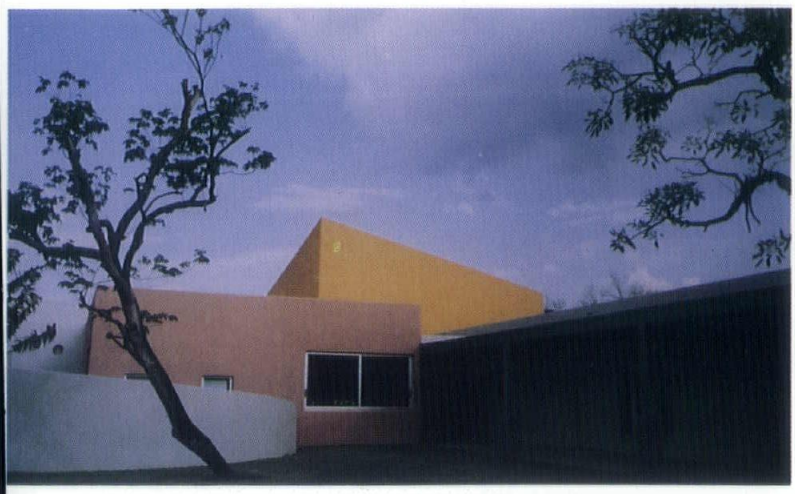
Oriented on its irregular site to take full advantage of natural sunlight, the building's large, shaded windows and focused clerestory provide light and patterns which change throughout the day and the seasons. Rich colors and sloping forms create vibrant and interesting contrasts.

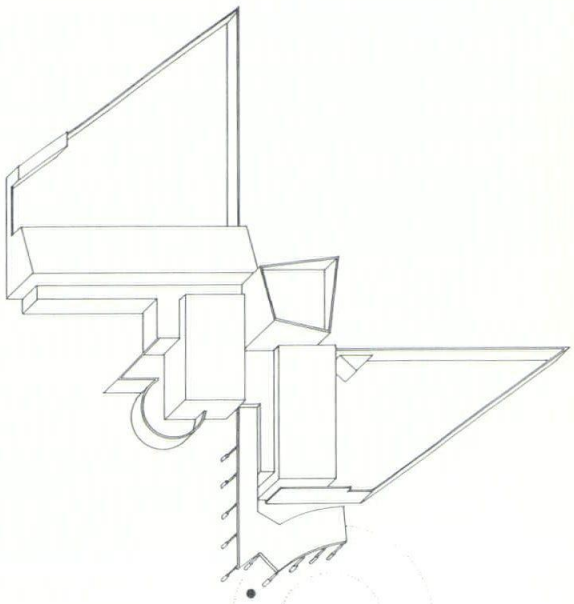
The building is formed of two separate wings which center on the main meeting room. The wings with their individual classrooms open out to the site. The commercial-scale kitchen was incorporated into the overall design and indoor air quality is maintained through material choice and ventilation.

JURY: *"This center is so light, playful and colorful that it seems to have been done with a lot of love and care. There is a lot of visual richness and the forms that the architect has composed are very well resolved. The building is very relaxed."*



Photography by: Cooper Abbott





Land Yacht

Architect
Cooper Johnson Smith
Architects, Inc.
Tampa, Florida

Consulting Engineer
Johnson Creekmore Fabre

Contractor
Breaux Construction

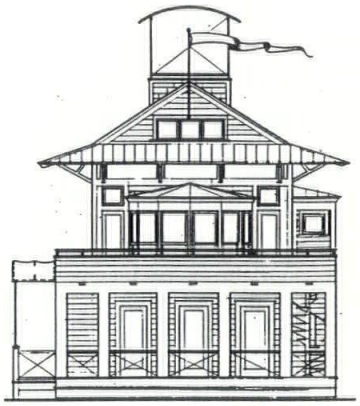
Owner
Mark and Melissa Breaux

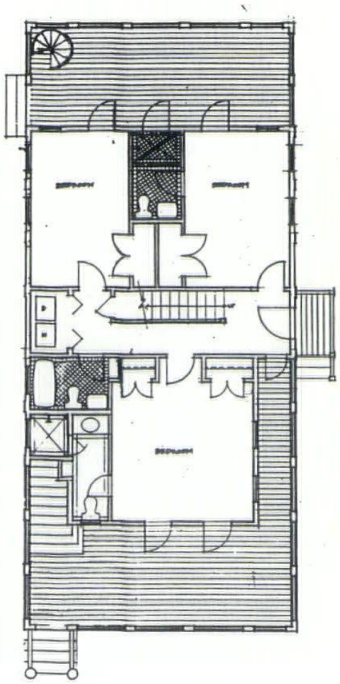
Dubbed the Land Yacht, this house was designed to accommodate family vacations by the sea. The owner requested that living areas be on the second floor to accommodate views of the water which yielded "cabins" below. Centering the mass of the living area yielded a wrap around deck.

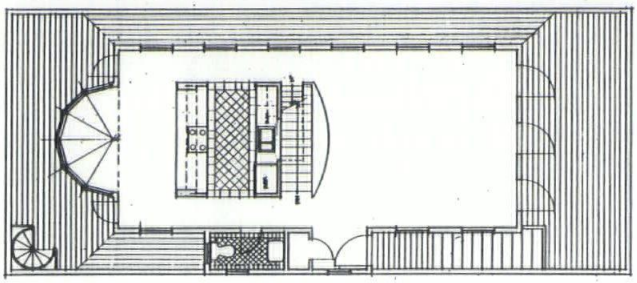
Circulation into and through the house is redundant to give a sense of adventure and variety to living aboard. Entry into the house can be accomplished by way of an exterior stair to the second floor front door into a canvas-covered side entry at the ground floor that doubles as an outside shower enclosure, or up a spiral stair to the rear deck. Interior circulation above the second floor is by way of a ship's ladder to the loft above the kitchen and dining room and ship's ladder to a rooftop deck that affords panoramic views of the town and sea.

JURY: "This charming house feels like what a beachside house should feel like. The big overhang working with the terrace and the porch below are very handsome elements. The house seems very delicately designed. It has a lightness about it and yet it exhibits a high degree of control."

Photography by: George Cott







Windsor Rowhouses

Architect
Scott Merrill
Vero Beach, Florida

Consulting Engineer
Frank Farley

Landscape Architect
Deborah Nevins

Interior Designer
Frank Lincoln, Susan Smith, Rod Mickley

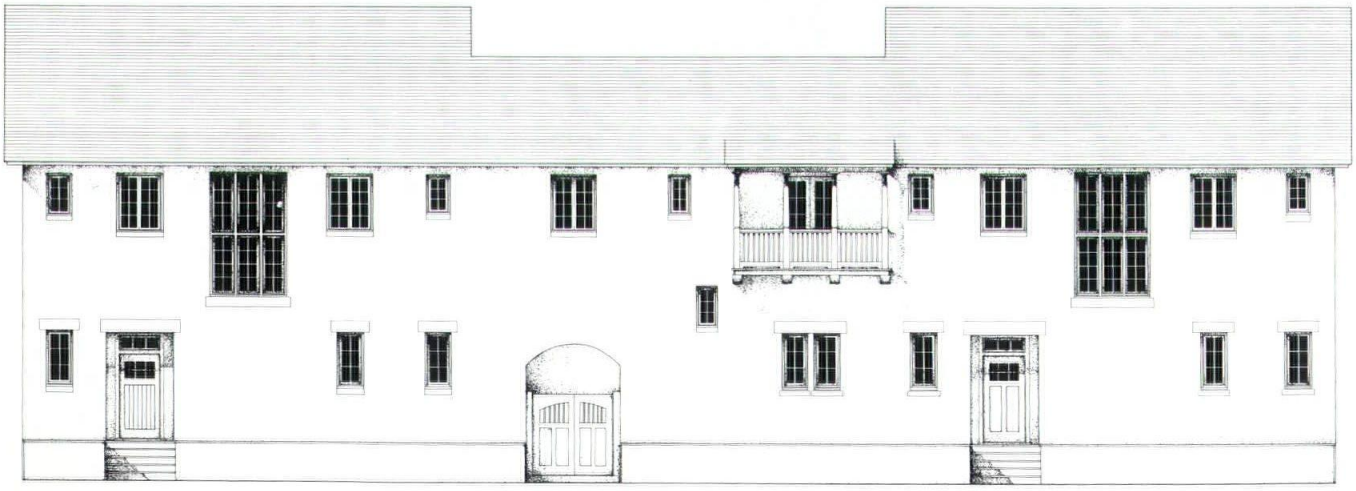
Contractor
Arcon

Owner
Windsor Development Corp.

These concrete masonry rowhouses with wood trusses have an FAR that approaches 1, yet each unit has a private courtyard garden. The three lots are 32 by 100 feet and the program ranges from 2200 to 2800 conditioned square feet.

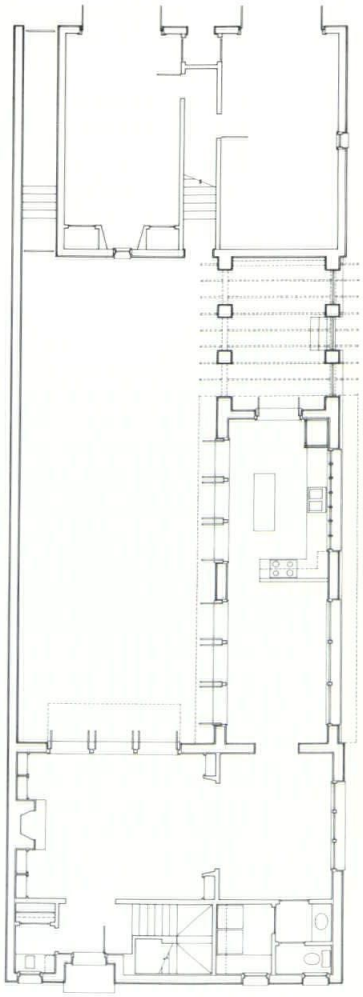
The garage apartments are put forth as prototypes for an accessory building type that is illegal in many jurisdictions, despite obvious advantages.

The north elevation reflects an effort to create a single composition of three main units without making the units identical. There is also an attempt to avoid a cartoonish distinction in property lines of these fee simple units.



Photography by: Thomas Delbeck

JURY: *"This is a very civilized, very urban set of buildings with well-resolved elements of architecture and inner spaces. It is the kind of building that our cities need more of. One can see that this project has been passed through a plain linear art discipline which has made it crisp and taut. Once the architect chose the direction he wished to take, he pursued it with great conviction. The compositional details of the window groupings tucked under the eaves and the way the entrances are carved into the stucco block are all beautifully handled. It is historical and it produces strong elements of other places and other times."*



Naples Airport Fire Station

Architect
Victor J. Latavish, AIA

Design Architect
Victor J. Latavish

Architect of Record
Schmitt Design Assoc.

Contractor
Kraft Construction

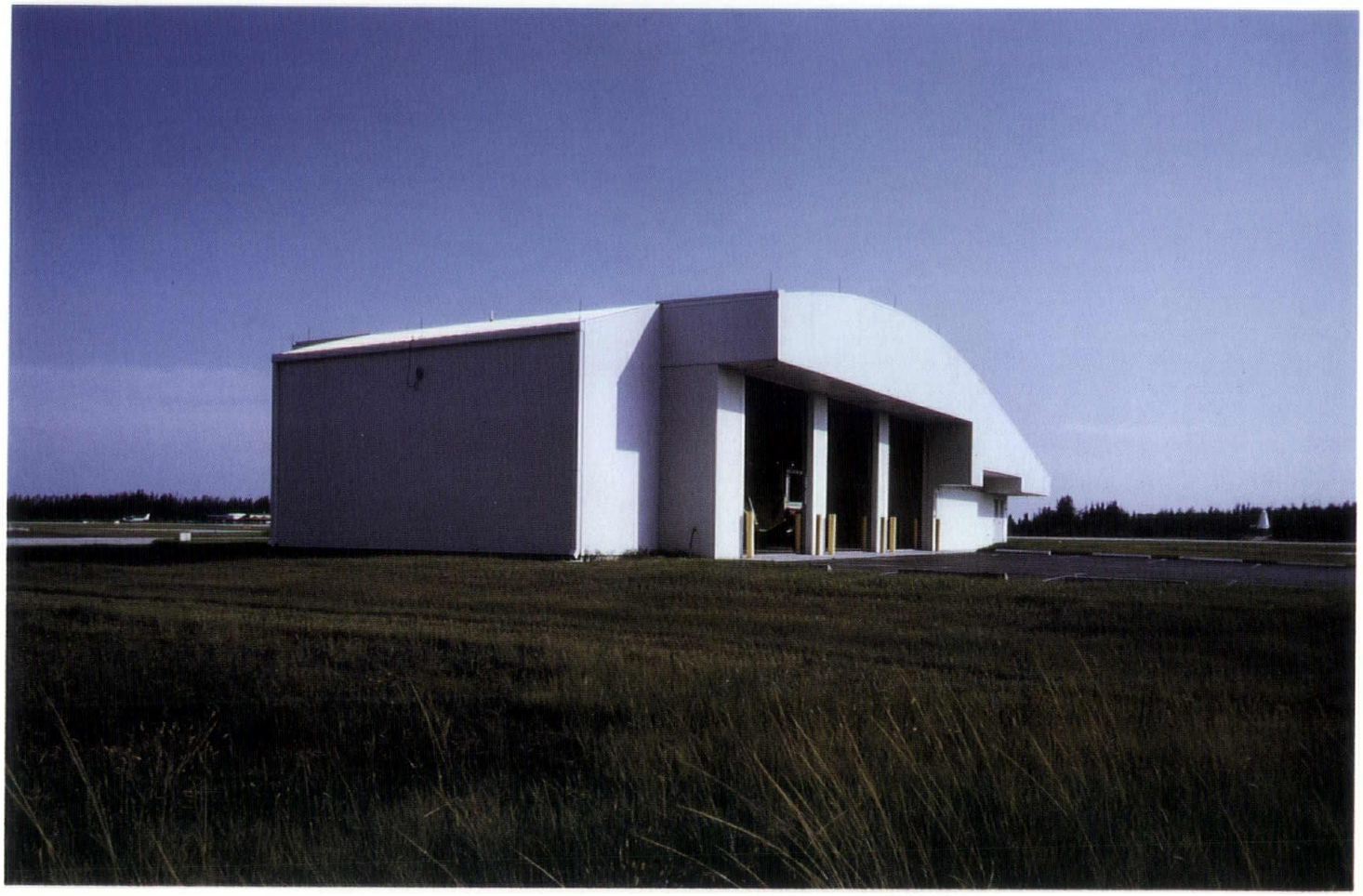
Owner
FAA/Naples Airport Authority

The fire station's unique sculptural form should provide a distinctive landmark for aviators since the profile of the roof matches that of an aerofoil. However, the form was initially a deliberate recollection of the bowstring roof structure common to aircraft hangar construction.

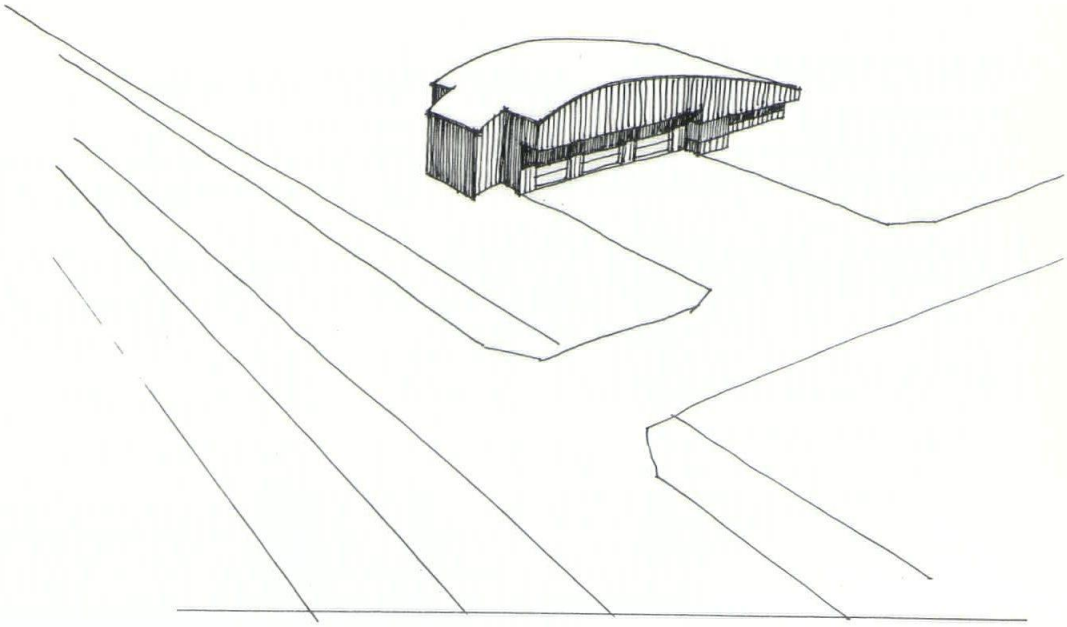
Despite the building's characteristic shape, the plans were based primarily on the specific and utilitarian needs of its users. The program and building size were strictly controlled by FAA guidelines, and the building's footprint, a rectangle, was determined by the site engineer prior to the architect's involvement.

Predictably, the room layout and building components are straightforward, contrasting with the curved metal roof. In order to stay within budget limitations, the building is constructed with reinforced concrete masonry walls, poured concrete beams and the roof is framed in a conventional manner with prefabricated wooden roof trusses.

Photography by: Victor Lativish



JURY: *"This is a very delightful bit of utilitarian architecture within an airport. It is one contextual gesture that is exactly right in a vast space. The asymmetrical curve of the aerofoil is very beautiful. It is both impressive and inspiring when people make architecture out of such limited resources, both programmatically and economically."*



Concha Marina

Palm Beach, Florida

Architect
Smith Architectural Group, Inc.
Palm Beach, Florida

Consulting Engineer
Carmo Engineering Assoc., Inc.

Contractor
R.S. Black, Inc.

Owner
Herbert S. Pheeney

Concha Marina was designed in 1921 by Addison Mizner as his personal residence. It was built in the Mediterranean Revival style which was unique to Florida and Mizner. In 1989, the entire structure was renovated, including redesigning the sequence of interior spaces as well as exterior modifications. Unfortunately, years of neglect and damaging unsympathetic additions and renovations had not served the residence well. The current owner's intention was to reclaim the character which Mizner intended for his house.

New materials incorporated into the structure compliment the original and emphasize historic details such as cast stone columns and fireplaces, door and arch surrounds and interior moldings. Round arches were reintroduced on the exterior when an early photograph revealed that they were there originally. The interior courtyard was completely covered in concrete paving and devoid of landscaping. This area was completely restored condition as were all the porticos and loggias facing the courtyard.

JURY: *"Historic preservation ought to be encouraged. It is often the kind of thing that doesn't receive a prize because it doesn't seem inventive. But, now especially, the environment as a whole needs preservation. In the case of a great architect like Addison Mizner, it is particularly important to save and rehabilitate his designs. This restoration seems to have been done with great care. Not only are the buildings beautifully restored, but also the outdoor spaces. The courtyard and landscape are particularly beautiful."*

Photography by: Sargent Architectural Photography

Seaside Motor Court

Seaside, Florida

Architect
Scott Merrill
Vero Beach, Florida

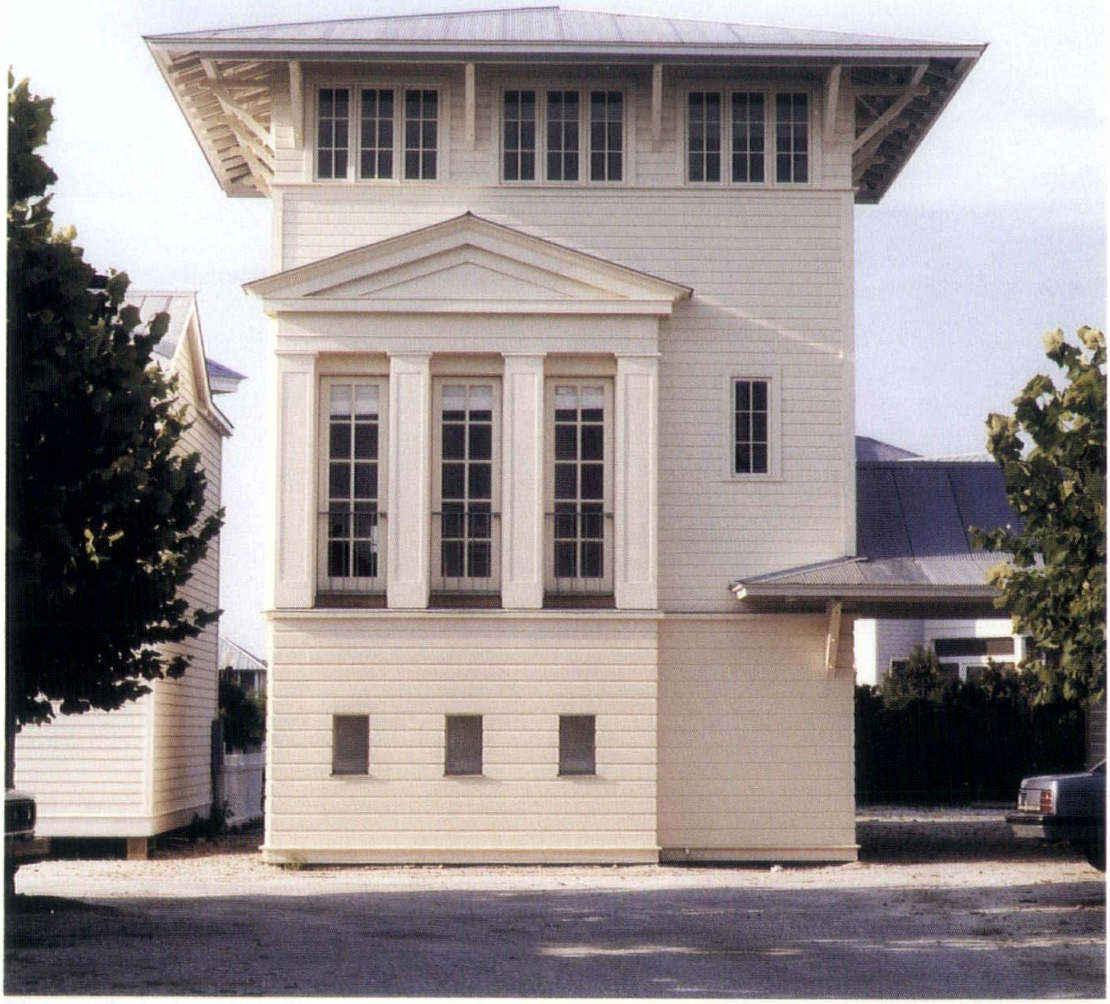
Consulting Engineer
Johnson, Creekmore, Fabre

Landscape Architect
Douglas Duany

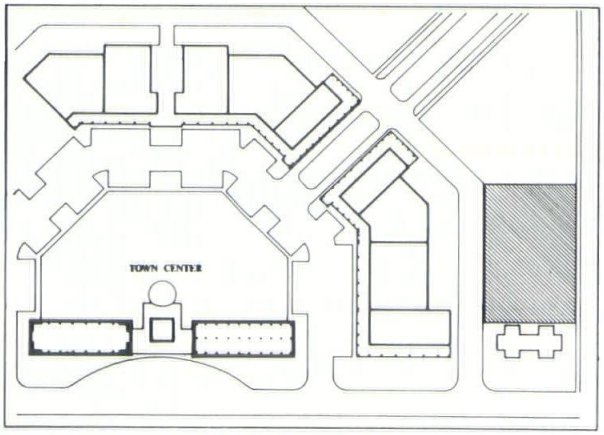
Contractor
New Creation Builders, Inc. and
Bright Image Construction

Owner
Seaside Community
Development Corp.

This project was obliged to absorb the service facilities of a small town center. Located in a block between a service alley and a footpath, the program was initially to accommodate mini-storage and employee parking for downtown merchants. The client later added a shipping and receiving office, a housekeeping shed, an Asian restaurant and a motor court motel with a head building. The units which accommodate all these varied uses measure 12 by 24 feet. Each unit is joined by a continuous roof in order to define the edge of the footpath and alley. There remain views between each unit, through which breezes are pulled into the courtyard. The courtyard's protection from sea breezes allows for a grid of sycamore trees. These plantings hide the cars, frame a view of the tower and provide a cool sheltered public courtyard for the town.



Photography by: Scott Merrill



JURY: *"This is an extremely accomplished piece of architecture. There is real elegance in all of its proportions and the handling of detail. The building is highly developed and has great authority, but not in any kind of oppressive way. It is still very light and playful with its compositional moves and asymmetry. There is a great classical word...propriety, which seems to apply to this design."*

Gelfman Studio

Miami, Florida

Architect
Suzanne Martinson
Miami, Florida

Consulting Engineer
Riva, Klein & Timmons

Contractor
Charles Esher

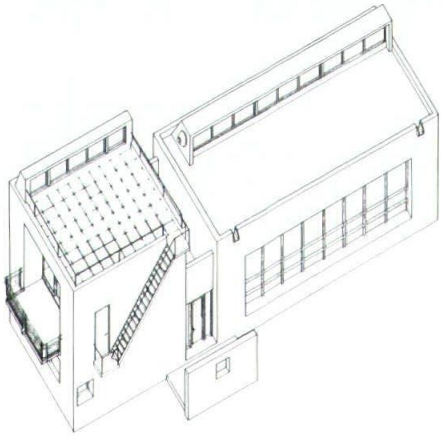
Owner
Mr. and Mrs. D. Gelfman

This project involves the addition of a painter's studio and office to the north side of an existing house which is sited in a native Florida hammock. The painting studio was added as a separate structure but connected to the existing house. The studio had to be lit with natural light, but with no direct sunlight entering the space during the day.

Three large unobstructed walls were required in the studio in addition to a second level office with a private and controlled view to the natural protected hammock on the east.

The design solution provided for a double square, east-west bar building forming the painting studio. It is lit only from the north skylight and north window wall. The single cube provides canvas storage and desk space for the studio and the second level functions as a separate office space. The six-foot wide spine separates the two distinct volumes and serves as a back door connector to the existing house and studio.

JURY: *"It's great to see an architect do so much with so little. This is very minimal, but each move makes just the right note. The way the addition handles light...the shadows on the outside and the way the north light bounces around on the inside is very well done. It is an example of the way the International Style looked in its early innocent phase. It looks wonderful in Florida. It has a very light-hearted quality which just feels right for this state."*



Photography by: Steven Brooke

The Netherland, Adaptive Reuse and Expansion — Miami Beach, Florida

Architect
Giller & Giller, Inc.
Miami Beach, Florida

Structural Engineer
Donnell & DuQuesne, P.A.

Mechanical/Electrical Engineer
McDowell-Helmick Asso., Inc.

Interior Designer
Barbara Hulanicki

Contractor
DACRA Construction, Inc.

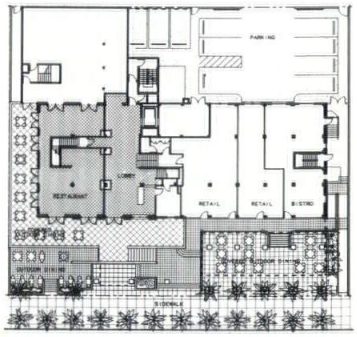
Owner
Netherland, Inc.

The design requirement for this project was to convert a hotel built in 1938 into a mixed-use facility and neighborhood anchor. The Netherland Hotel is within the Miami Beach Art Deco District and the goal of the architect was to enhance the existing structure through the expression of Deco forms. To this end, the original design elements are distinguished from the new through the use of color and very simplified stucco detail. The new customized aluminum railings incorporate some of the original detail seen in the stucco motifs.

Each apartment has a view of both the city and the ocean. The three-story addition atop the existing seven-story structure necessitated the introduction of shear walls and strengthening of the spread footing foundation.

Photography by: Ira Giller and Scot DiStefano

JURY: *"This award is given in recognition of the outstanding restoration of this hotel, but also in recognition of the role that architecture is playing in the renewal of the Art Deco district. The rehabilitation of that whole district has been one of the greatest demonstrations of the power of historic preservation and rehabilitation to change the economic base of a place and restore it to life. It is hard to realize that little more than a decade ago, there was serious talk about trying to save Miami Beach by bringing in gambling casinos, which would have destroyed it. Now the area is enormously prosperous and this restored hotel is a wonderful improvement."*



Samuel Baker House Restoration

Elfers-Holiday, Florida

Architect
Renker Eich Parks Architects
St. Petersburg, Florida

Contractor
Halverson Construction

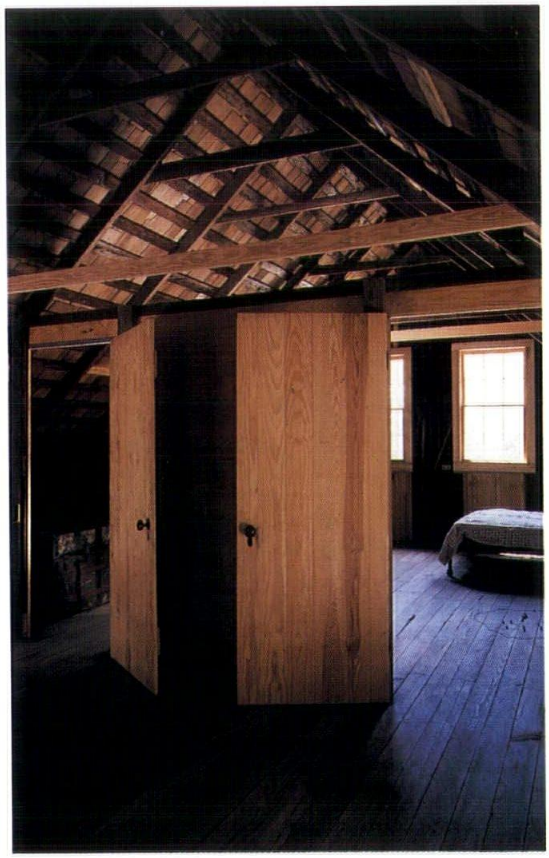
Owner
Pasco County

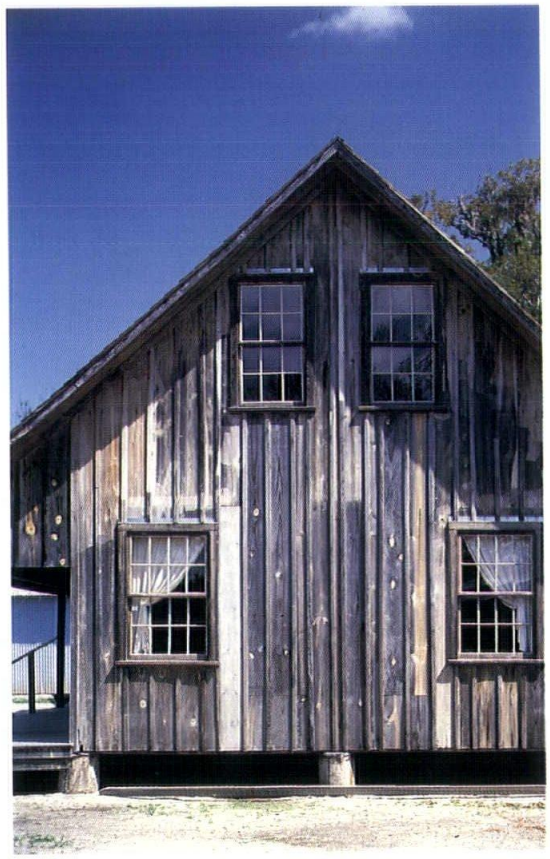
Constructed in 1882, this residence was restored to its original appearance to be used as a center for interpreting pioneer life in Pasco County. The project was undertaken by a nonprofit corporation and an architecture firm specializing in historic restoration.

The original plan of the house, including porches, became visible after later additions were removed and nail patterns and paint stains could be seen. The structure employs some very unusual building techniques which probably relate to the builder's association with the sponge industry. It appears that much of the original joinery was the work of a ship builder. The walls are constructed of boards which are 3/4" thick and of varying widths.The butt joints of the vertical boards are covered with a molded batten on both sides. The house rest on cedar log piers and the roof is covered with sawn cedar shingles on original oak lath. In the restoration, only very deteriorated wood was replaced and original hardware was reproduced.

JURY: *"It is important to recognize that architecture can occur in any circumstance, with any budget, in any tradition. Architectural restoration must be done with great sensitivity to the original materials, to the place where it was built and to the traditions the building represents. This building, which is a pioneer artifact, has been lovingly saved and preserved."*

Photography by: George Cott





Federal Building and Courthouse

Fort Myers, Florida

Architect
Spillis Candela & Partners
Coral Gables, Florida

Principal-in-Charge
Julio Grabiel, AIA

Project Designer
Michael Kerwin, AIA

Project Manager
Charles H. Crain, AIA

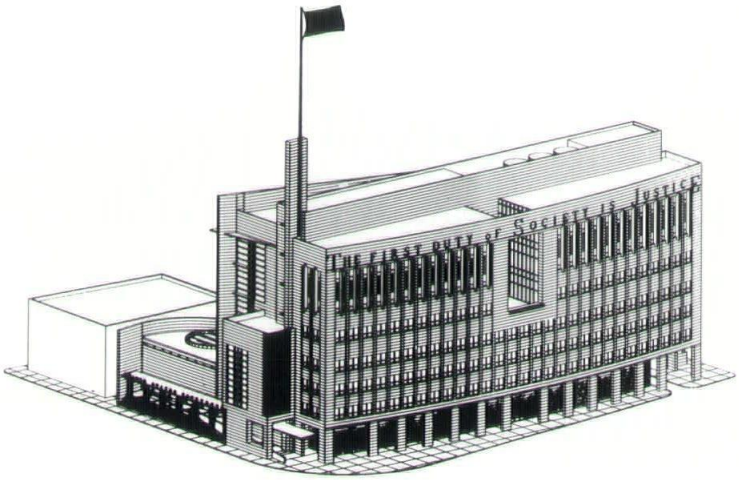
Interior Designer
Luis Hernandez

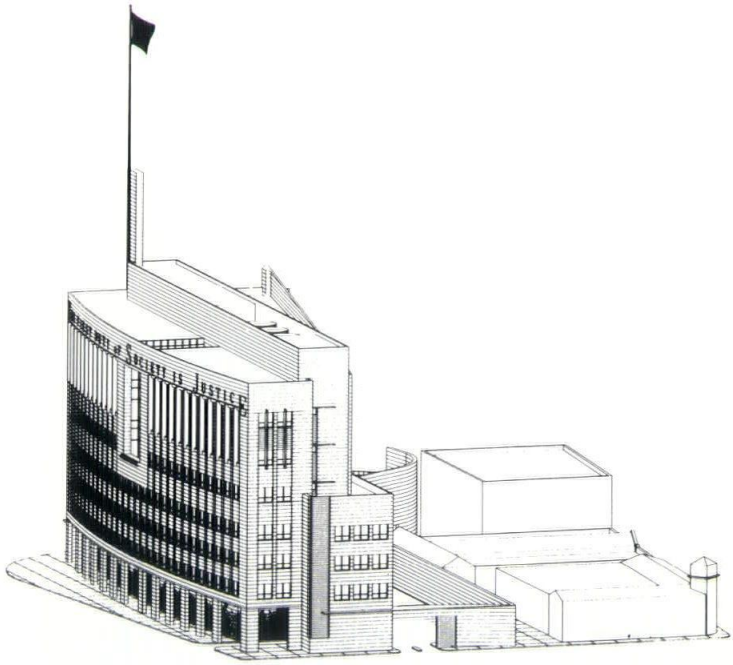
Project Team
Steve Berler, Odalys Martinez, Antonio Sanchez, Ana Valdes

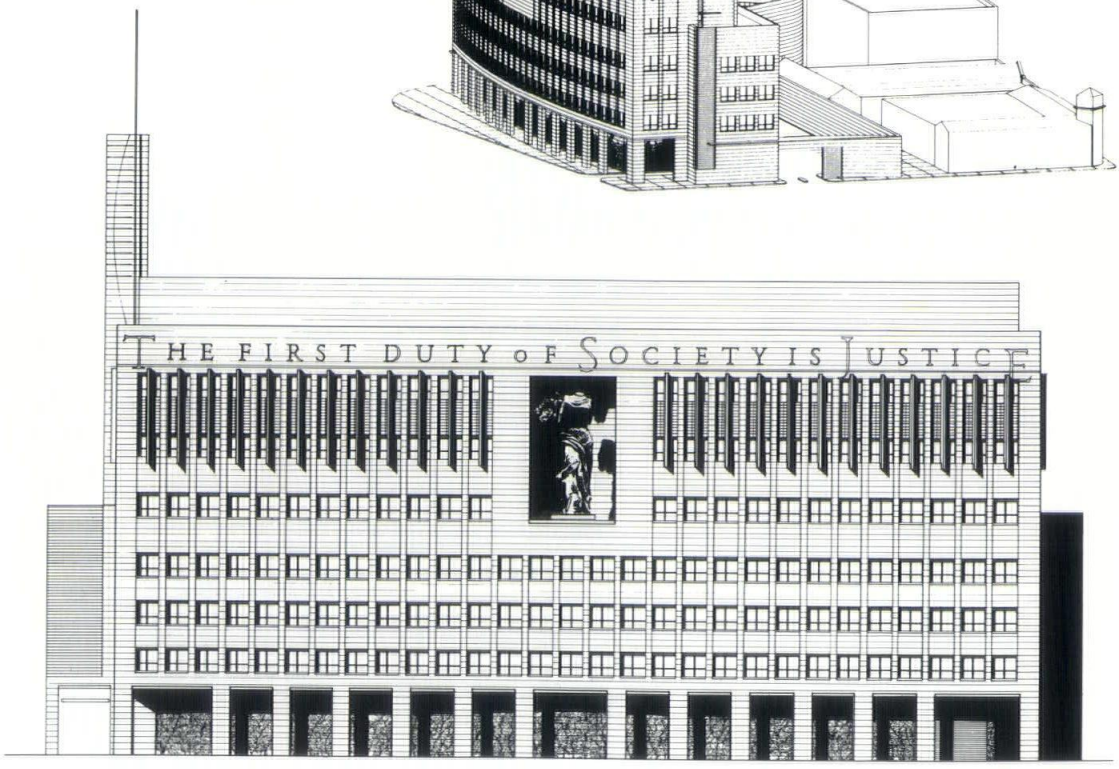
Situated on a difficult site at the edge between an historic district and an area of new building, the courthouse accommodates nine courtrooms of various sizes and several federal agencies with varying public contact and security needs. The upper floors are given over to courts, judge's offices and hearing and jury rooms. Lower floors accommodate the FBI, and U.S. Attorneys and Marshal's offices. Structured secure parking is provided at grade.

The complex context and program are resolved into a building made of a series of interlocking masses sheathed in Florida keystone and punctuated by simple repetitive punched windows. The free composition of the masses is meant to reduce the scale of the building to address the lower historical structures to the east, and to produce a more severe, monumental facade to the west. The abstraction of the massing is countered by a series of strategies designed to insure the recognizability of the building as "public". These strategies include a grand arcade running the full length of the block, the inscriptions carved into the stone, the vertical mast designed only to support the flag and the exaggerated, internalized courthouse steps raising the visitor up and into the courthouse.

JURY: *"As a modern interpretation of a civic building, it works quite well. This project seems like a landscape in its use of structure and the disposition of the internal elements. The design brings the outside in and takes it through the building in such a way that the public domain and the private sectors are very clearly defined. Even the use of materials relates to the function of the space. There is a spatial codification here that defines planes and allows the user to know when a ceremonial space is entered. The architect has brought simplicity to a very chaotic program. This is a very believable building with a genuine elegance in the handling of the facades. Every elevation responds differently to the massing of the structure and in the design process, it has become a beautifully unified whole."*







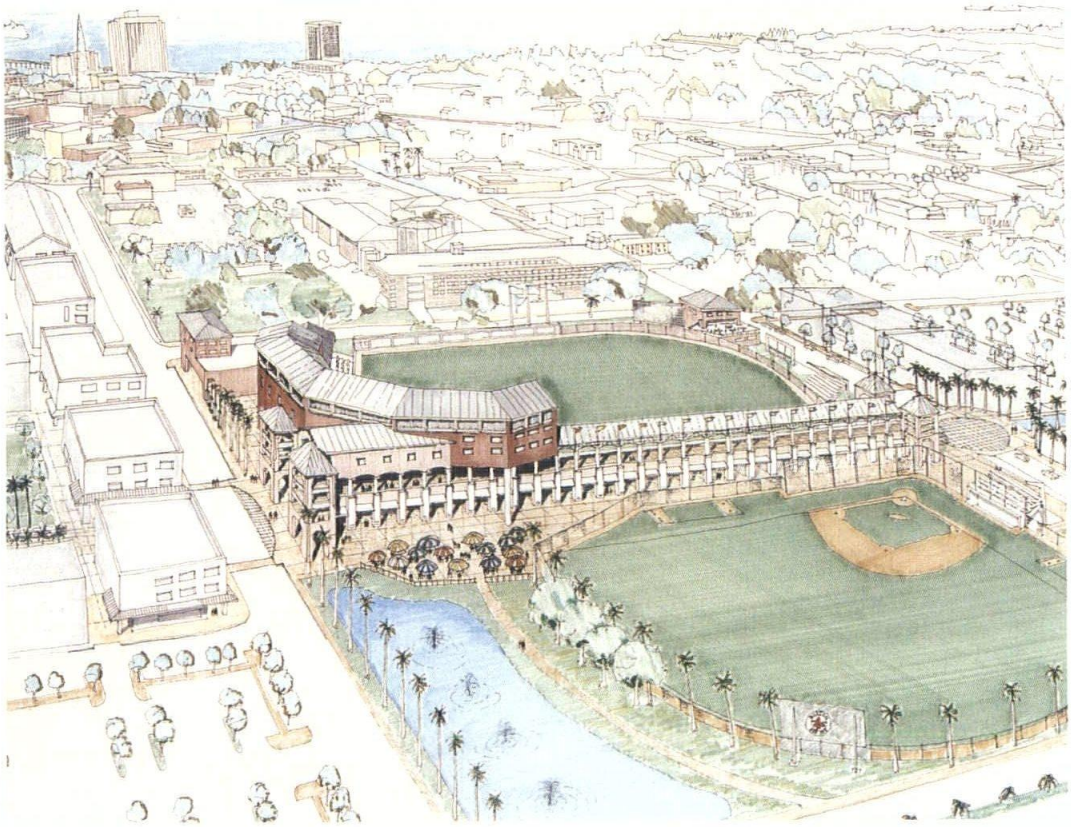
Spring Training Baseball Stadium as a catalyst for urban renewal — Fort Myers, Florida

Architect
Lescher and Mahoney
Tampa, Florida

Conceived in response to a competition, the design had to function as both a fully operational spring training facility and a community cultural event center helping a blighted part of the city redevelop toward downtown.

In order to achieve this both architecturally and urbanistically, the familiar form of an arcade was incorporated into the stadium design. The arcade functions as ground level access and as a protected concourse level. This element provides the complex with many interesting features such as protected access to the stadium, intimate views of the batting tunnels, practice pitching mounds and the practice field and a covered walkway that links parking to the main entrance. These features not only enhance the atmosphere of spring training, but more specifically enable activity all year long.

After the primary complex was developed, the arcade enabled the masterplan to develop. The east-west pedestrian access extends across into existing residential blocks. These blocks were then planned with an interior pedestrian corridor that extends northward to downtown. Commercial development with retail at ground level and offices on two floors above was kept on the main roads establishing a consistent street atmosphere. Further, as growth occurs, the masterplan allows for a series of parking garages to be developed with commercial activity on the ground floor and two levels of parking above.



JURY: *"The overall site plan really bonds to the context. The single strongest point in the project is the entry. In a building that has the possibility of seeming to have entries occurring in all directions, it makes very clear where the formal entry is.*

The architect is making a public space out of something that is really a big program. In other places, this building would be situated five miles outside of town on a hundred acre site. Here the building is being integrated into the fabric of the city. This is a really good job of putting a sports function downtown in a way that enhances the urban environment."

Rowe House

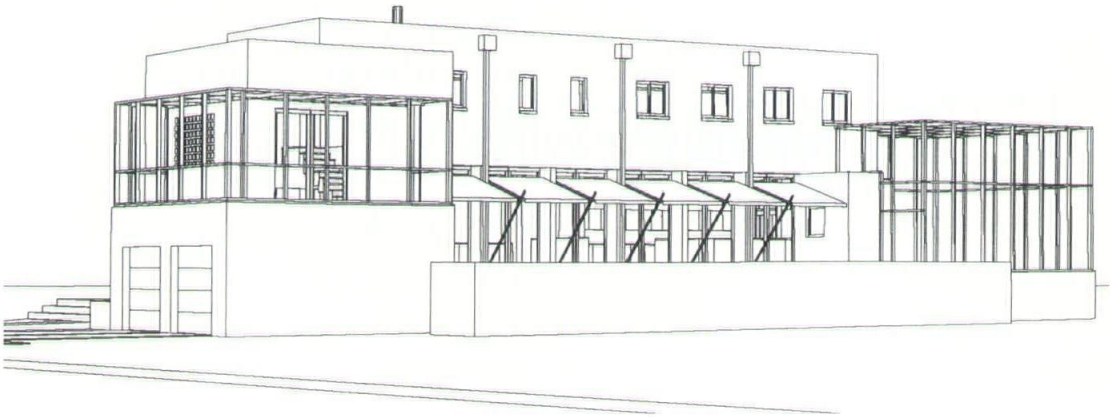
Tampa, Florida

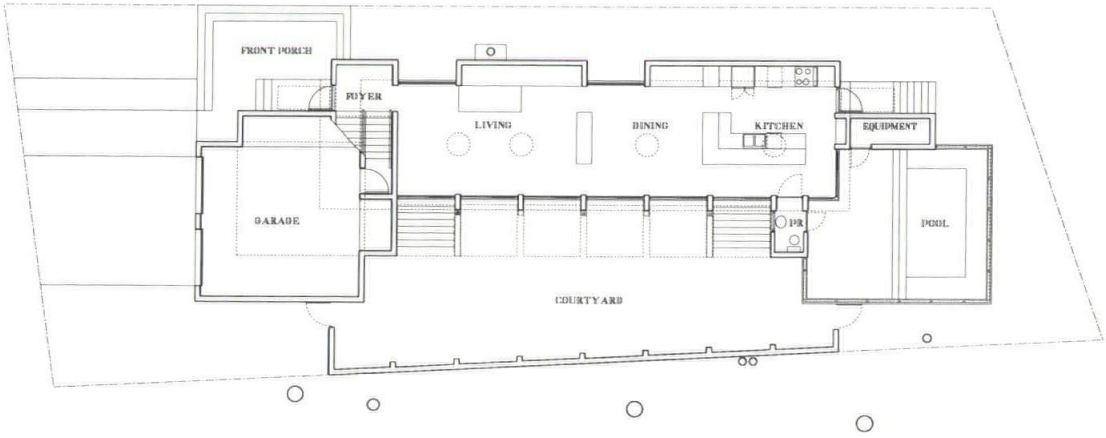
Architect
ROWE ARCHITECTS
Incorporated

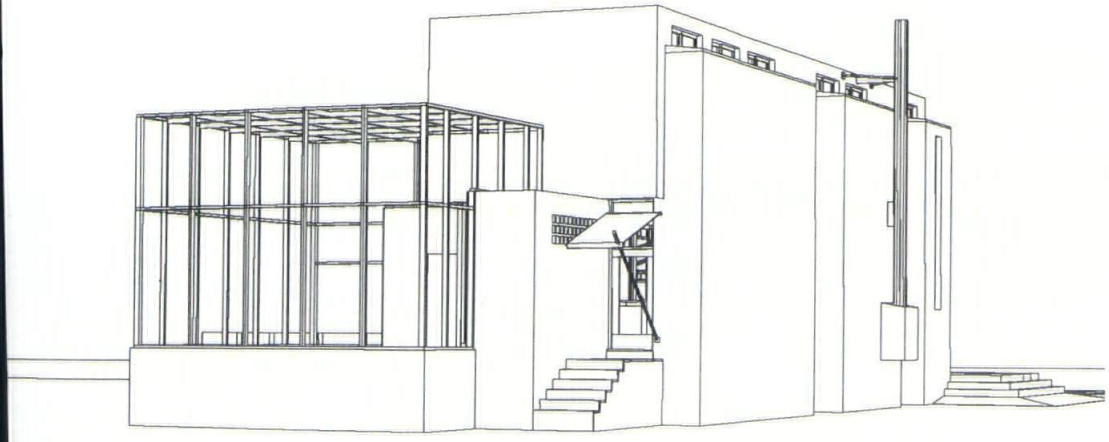
Principal-in-Charge
Rick Rowe, AIA

The goal in designing this modest 2,500 sf residence was to create a house for a family with two small children that is respectful of its context and the neighborhood's Mediterranean Revival roots. These goals are achieved through the use of compatible materials, colors, textures, massing and respect for the climate.

The long narrow site necessitated a one-room wide house that parallels the existing line of neighboring trees. The program is divided into five separate and discrete elements: the living area (living, dining and kitchen), the sleeping areas, the library, the garage and the swimming pool. Garage and library are juxtaposed with the swimming pool and its screened enclosure to create a U-shaped house that utilizes the existing line of trees to create a four-sided courtyard.







JURY: *"Programmatically, this house works very well. Repetition is one of its strongest attributes because it reiterates the idea of passage from one space to another on the outside and repeats the pattern on the inside. The relationship between the inside and the outside is almost musical and it intrigues the imagination.*

If architects are going to address the notion that the majority of people want to live in a single-family residence, they are going to have to move toward a courtyard type of building — large buildings that include spaces for cars on small lots. Here the architect has succeeded very nicely in addressing the needs of a family on a tight lot."

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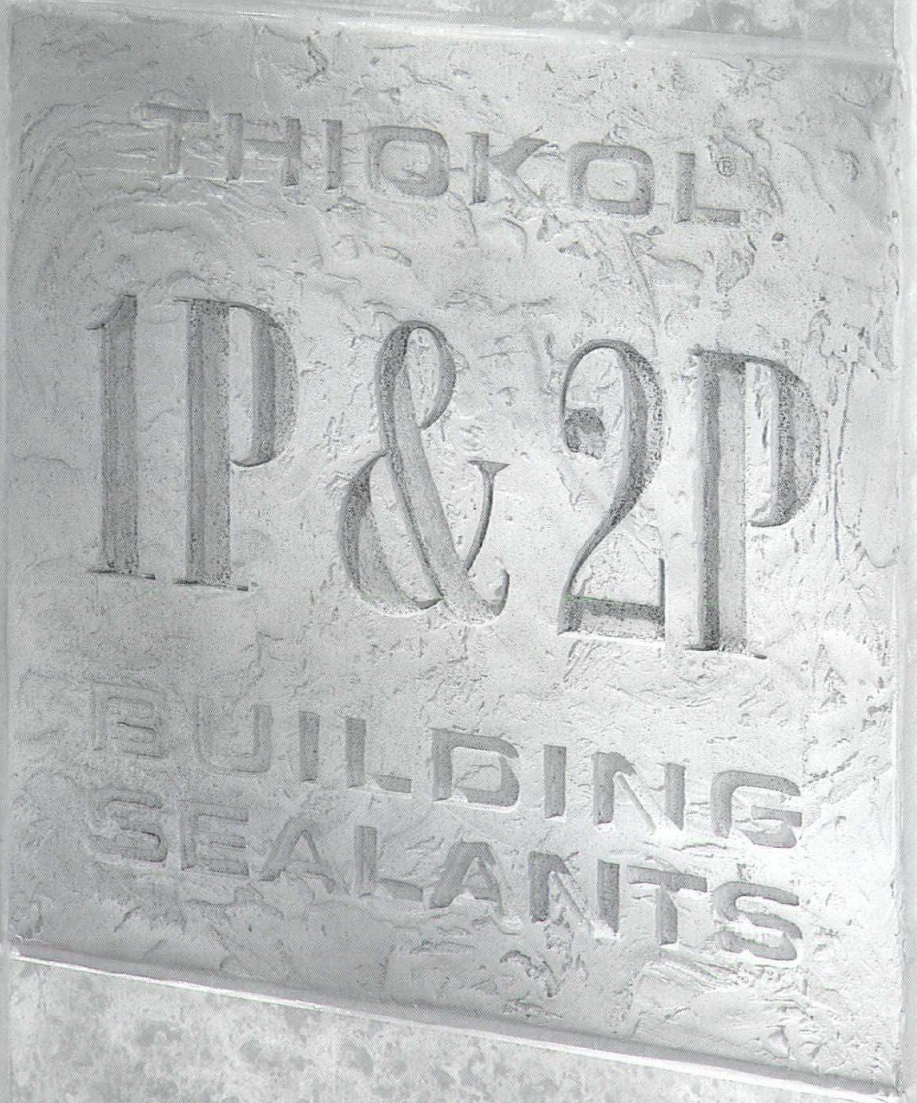

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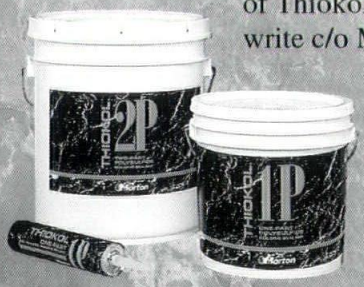

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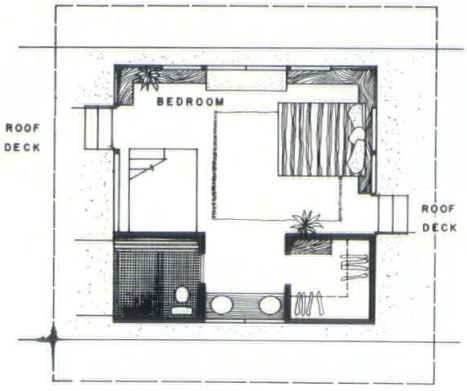
Coconut Grove Residence

Thirty years after it was designed, a panel of architects agreed that the Coconut Grove residence designed by Miami architect George F. Reed, FAIA, was truly "timeless."

Designed in 1962 and built one year later, architect Reed created an award-winning home that would be published nationally and recognized consistently for its climate-responsiveness.

The owners of the house, known only as "Coconut Grove Residence," were importers who worked together, frequently travelling abroad. Their lifestyle included having frequent houseguests, but they wanted a house that would allow them privacy at all times.

The house is sited on a flat bluff near Biscayne Bay with many large palms. By exploding the house, the architect was able to preserve all the existing trees and provide expanded space for entertaining. Owners' quarters are separate from the guest area and very private. Ground floor pavilions are one-room-deep which allows a breeze to wash the interiors. The second-floor suite offers treehouse seclusion and it opens onto a roof garden, sun deck and tub. Wooden umbrellas define the entrance to the house which is beyond a natural archway of palms. Broad roof overhangs shelter the house against the tropical sun and frequent sudden rain squalls. The house is, according to the architect, "tropical." According to the jury, the house is also "timeless."



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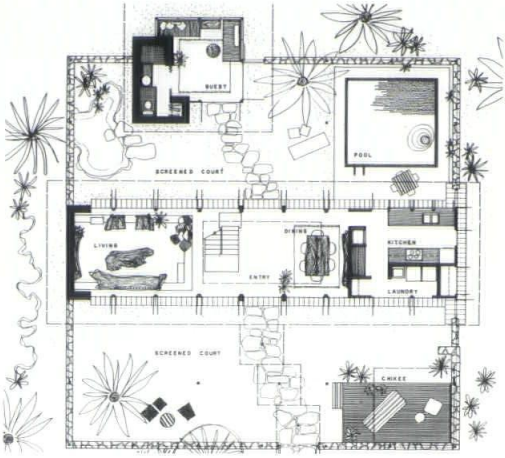

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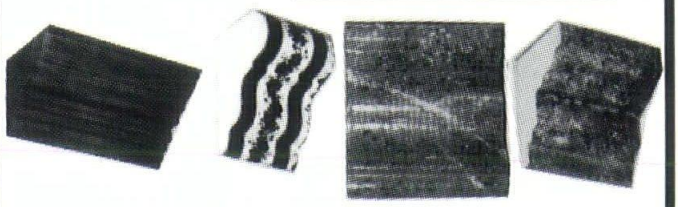

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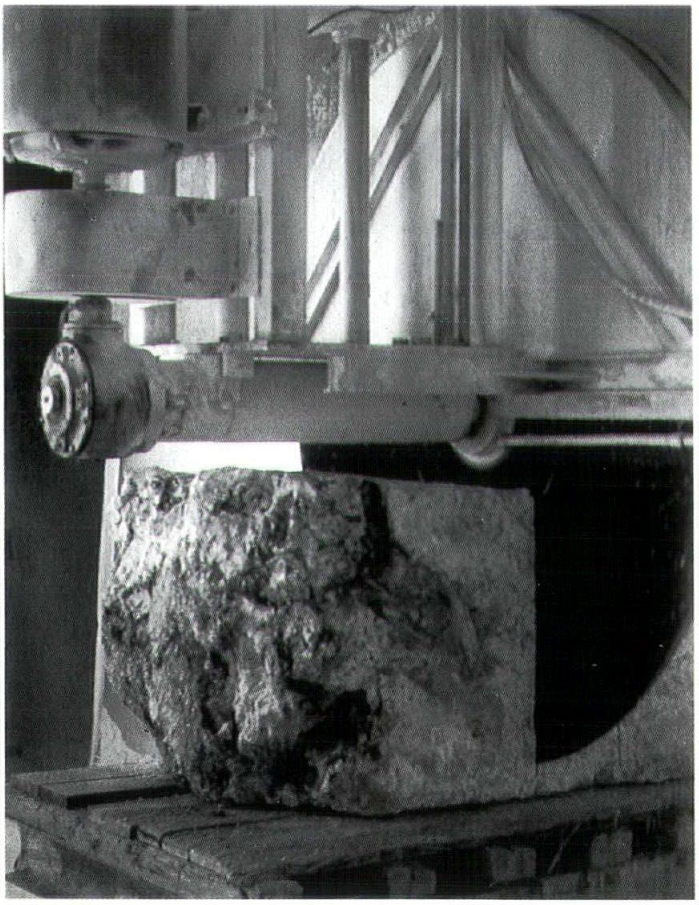

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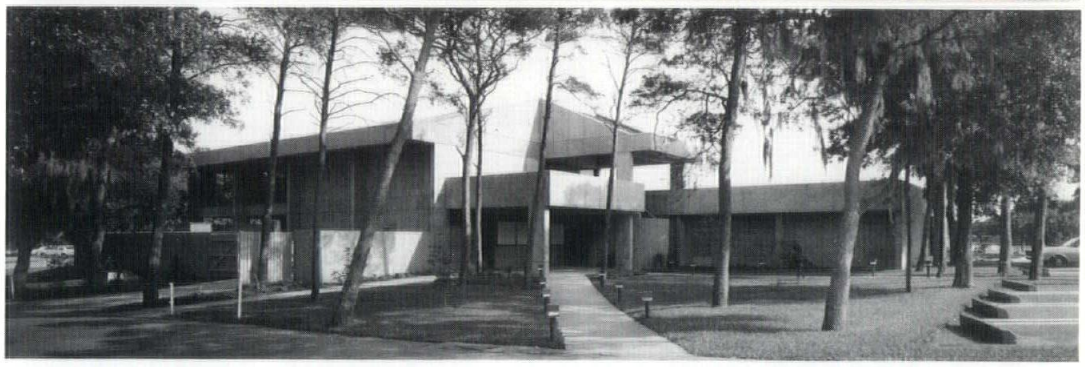
1993 Firm of the Year – Bullock*Tice Associates

Bullock*Tice Associates Architects, Inc. was established in 1973 as a continuation of the proprietorship of Ellis W. Bullock, Jr., who opened his office in Pensacola in 1958. Since 1973, the firm has operated under several names, but the current name, BTA, has been in use since 1986. The current staff of 25 includes ten architects, three interior designers, three CADD specialists, two construction administrators and seven administrative personnel.

BTA offers services in architecture, planning, programming, space planning, interior design, facility management support services and a variety of supplemental services. The firm's clientele is varied, focusing primarily on the public and corporate sector. In recent years, the practice has centered on Department of Defense, Educational and Hazardous Waste Laboratory market segments. BTA is currently designing state-of-the-art facilities in all three markets.

In the broadest sense, the principals at BTA believe that the firm's business focuses on fitting man with the environment and providing solutions to multi-dimensional problems. BTA has demonstrated a sustained commitment to design excellence - a commitment that has been recognized by clients and peers in the 38 awards for design excellence that the firm has received since 1974. In addition to design excellence, professional and community leadership are important components of BTA's guiding principles. Both BTA principals, Ellis Bullock and John Tice, have provided on-going support to the profession of architecture through leadership roles in the AIA at both state and chapter level.



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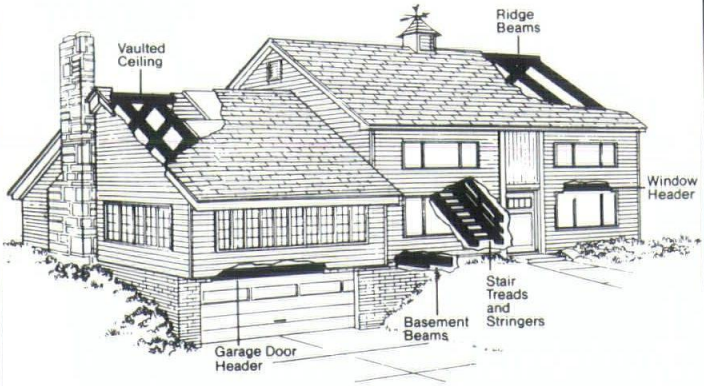

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LEGAL NOTES

Florida Supreme Court Limits Liability of Architects in Condominium Case

By David F. Tegeler, Esquire, AIA

It is always refreshing to hear good news for architects coming from the litigation forum, especially given the infrequency of such news. Earlier this year, the Supreme Court of Florida handed down a landmark decision in favor of architects in the case known as *Casa Clara Condominium Association, Inc. v. Charley Toppino and Sons, Inc.*, 620 So. 2d 1244 (Fla. 1993). This decision places extreme limitations upon the situations in which contractors, subcontractors, and subsequent purchasers of buildings can successfully sue an architect.

By giving strong support to a technical legal theory known as the "Economic Loss Rule," our highest state court has essentially limited the potential plaintiffs in lawsuits against architects to those parties who have a direct contract with the architect. The main exception to this ruling which still remains to allow liability of an architect to a non-contracting party arises where the architect has undertaken to exercise "supervisory control" over the contractor's work. By now, hopefully all architects regularly use the standard AIA contract forms and General Conditions which clearly state that the architect has no control over the means and methods of the construction work. Therefore, the architect does not undertake to supervise the contractor's work and now should not be successfully sued by it or its subcontractors for most monetary damages under the *Casa Clara* decision.

To fully understand the effect of this court ruling, it is necessary to comprehend some legal theory and terminology. Architects are, unfortunately, accustomed to the claim of "negligence" regarding the performance of their services. When such a claim is made by the owner with whom the architect has a contract, the owner's basis of a lawsuit is actually a theory of "breach of contract" due to allegedly negligent performance of the architectural services under the contract.

A separate claim of negligence to recover money, without any contract, is permitted under a legal "tort" theory. Courts' allowance of such claims is intended primarily to protect societal interests concerning the safety of one's person and property, where a relationship between two parties creates a duty for one to protect the other's interest. A tort/negligence theory of recovery contrasts with a breach of contract theory, under which a court enforces two parties' voluntary agreement of their duties to each other. Under tort/negligence legal theory, the Economic Loss Rule, as applied in Florida and most other states, says that economic losses cannot be recovered unless there was physical injury to a person's body or damage to other property.

In the *Casa Clara* case, the court ruled that homeowners could not sue a concrete supplier for economic losses under a negligence theory where the homeowners did not have a contract directly with the supplier. The supplier, Toppino, furnished concrete for the Casa Clara Condominium project. Some of the concrete contained a high degree of salt which caused the reinforcing steel in the concrete to rust, resulting in the ultimate failure of the concrete. The Florida Supreme Court decided that the homeowners could not sue the concrete supplier for negligence since there was no claim for personal injury or damage to other property. The court specifically stated that the damage to the structure from the defective concrete was not "damage to other property." This is an important clarification and means that a non-contracting party cannot sue for negligence to recover economic losses when no property other than the construction project is damaged, under the definition of the Economic Loss Rule.

The most important ramification to architects from the *Casa Clara* case is found in a footnote which strictly limits the Florida Supreme Court's previous ruling in another case, *A.R. Moyer, Inc. v. Graham*, 285 So. 2d 397 (Fla. 1973), to the particular factual situation of that case. In the 1973 *Moyer* decision, the court allowed a general contractor to sue an owner's "supervising" architect on a project even though the general contractor did not have a contract with the architect. In that case, the architect did have supervisory control over the contractor and the power to stop its work. The Florida Supreme Court's edict in *Moyer* upset architects all across the United States, and was a major factor in the later revision of the AIA documents to delete the word "supervise" and an architect's authority to stop the contractor's work. Since then, the AIA documents only allow the architect to "reject" the work of the contractor. The *Moyer* case has been used as a basis of support for countless claims by contractors, subcontractors, and condominium unit owners against architects over the past twenty years to successfully argue before local judges that the Economic Loss Rule should not apply to architects.

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Now the *Casa Clara* case firmly establishes that claims against architects do not fall outside of the Economic Loss Rule. The Florida Supreme Court clearly stated in its decision that the *Moyer* exception to the Economic Loss Rule should only apply to "supervising" architects with power to control the contractor on the project.

Despite this strong decision by Florida's highest court, it is still important to understand that a trial court will look at each new case on its own merits, and that nothing is certain in litigation. For example, Florida appellate courts have created other exceptions to the Economic Loss Rule and have allowed negligence claims by non-contracting parties against other professionals, including abstractors, attorneys, and accountants. Sometimes the courts have rationalized that the plaintiffs were intended third party beneficiaries to a contract, and other times that strong public policies favored protection of the particular plaintiff's interests. Recently, a Florida appellate court decided that subsequent purchasers of condominiums could sue an inspecting engineer in tort for negligently supplying them with false information upon which they relied in purchasing their units. Nevertheless, the *Casa Clara* decision is clearly and strongly worded, and should serve architects well in defending against non-contract claims for economic losses.

In conclusion, the *Casa Clara* decision should provide an excellent legal defense to claims against architects by non-contracting parties where those claims do not involve personal injury or damage to property other than the building project.

David Tegeler is an attorney with the Orlando law firm of Bull and Associates, P.A., where he concentrates his legal practice on construction law, including the representation of architects and other design professionals. He is also a Registered Architect in Florida and a member of the Board of Directors of FA/AIA.

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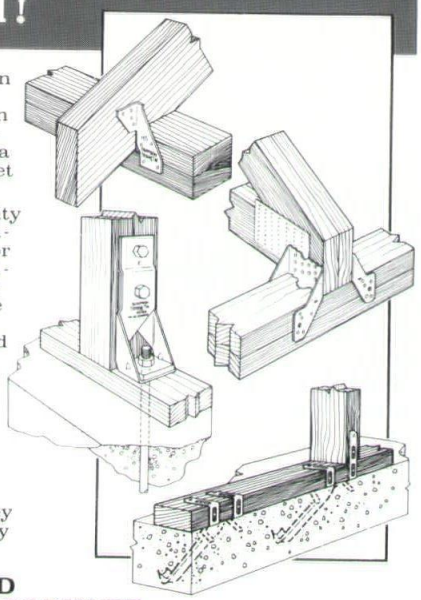

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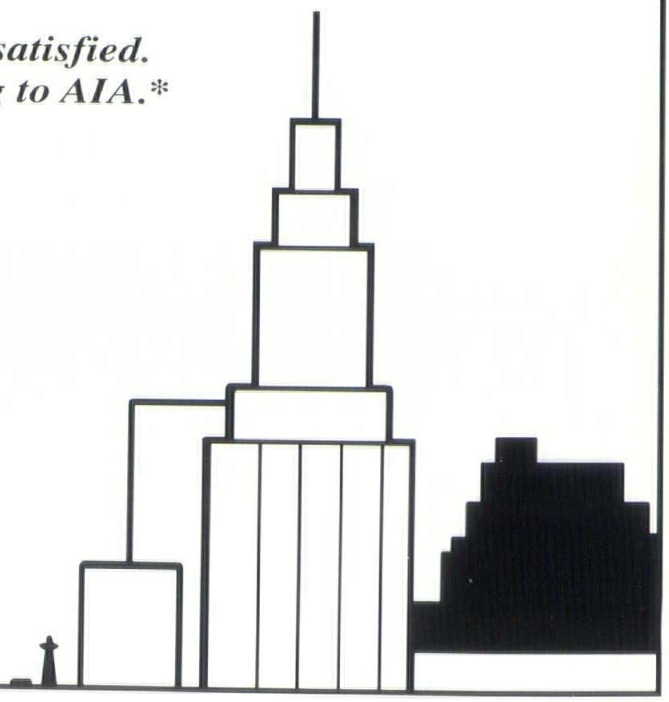

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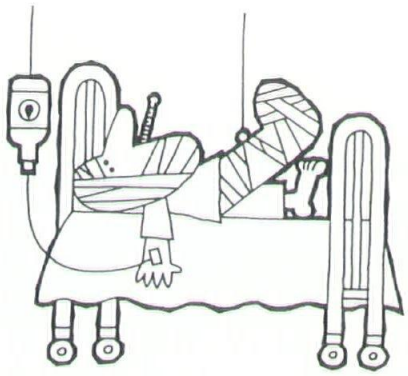

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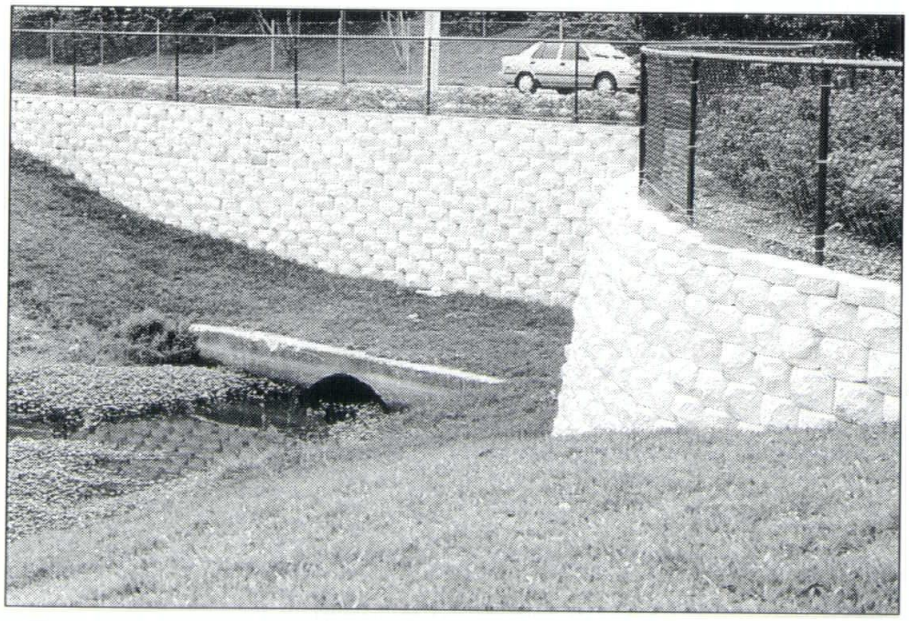

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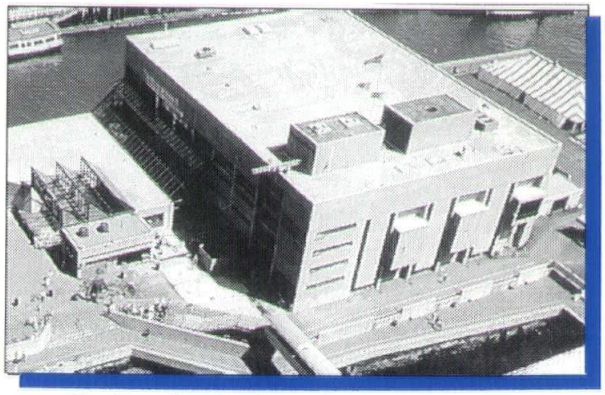

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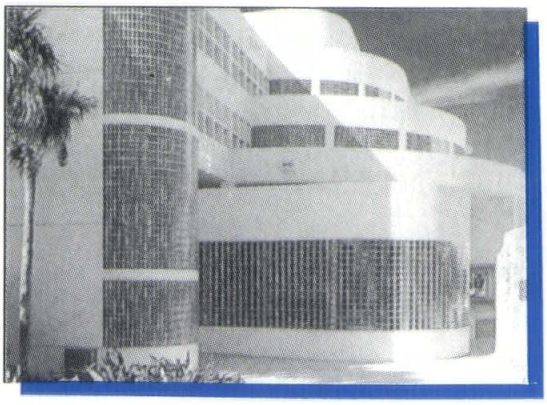

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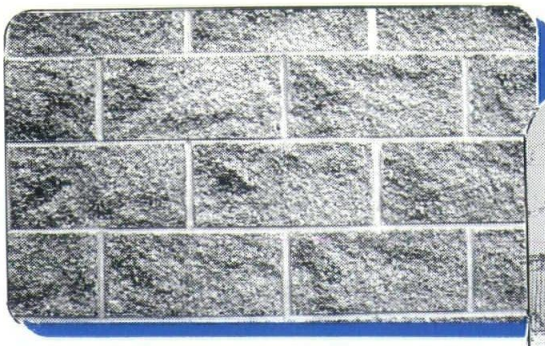

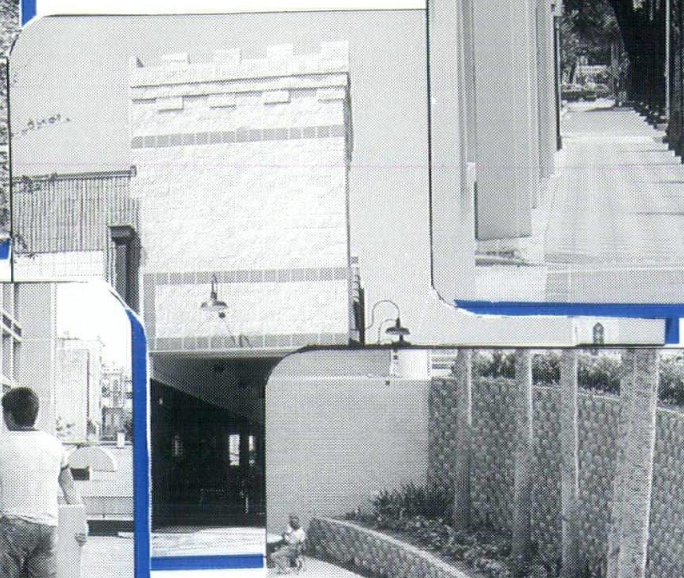

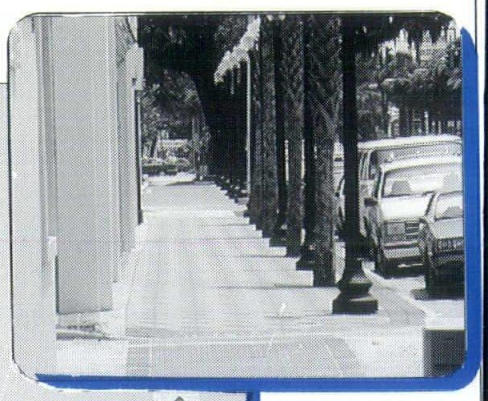

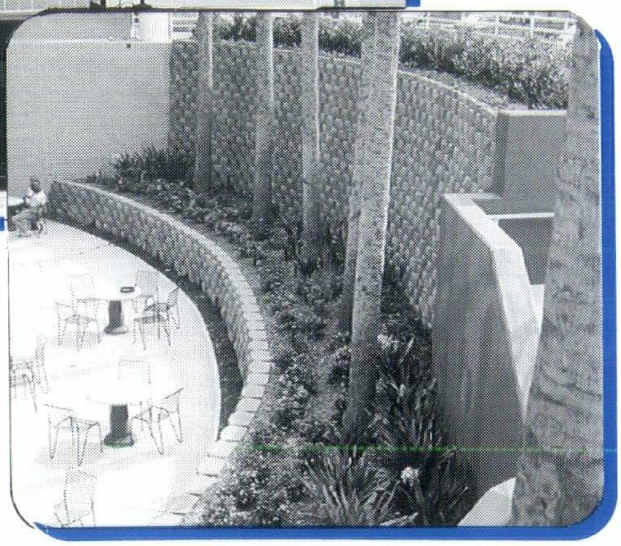

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